

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:	)	
	)	
RICKY DEAN POWELL	)	Bankr. Case No. 08-62876
CYNTHIA MAY POWELL-SPARKS,	)	Chapter 13
	)	
Debtors.	)	
_____	)	
	)	
W. CLARKSON MCDOW, JR.,	)	
UNITED STATES TRUSTEE	)	
FOR REGION FOUR,	)	
	)	
Plaintiff,	)	
v.	)	Adversary Proceeding No. 09-06009
	)	
RICKY DEAN POWELL	)	
CYNTHIA MAY POWELL-SPARKS,	)	
	)	
Defendants.	)	

Order

This cause came to be heard upon the complaint of W. Clarkson McDow, Jr., United States Trustee for Region Four objecting to the discharge of Ricky Dean Powell and Cynthia May Powell-Sparks pursuant to 11 U.S.C. § 1328(f)(1).

The parties stipulate to the following Findings of Fact:

1. This adversary proceeding is one arising in the bankruptcy case of Ricky Dean Powell and Cynthia May Powell-Sparks (“defendants” or “debtors”), case no. 08-62876. The bankruptcy case was commenced by the filing on November 18, 2008 of a voluntary petition under chapter 13 of title 11 in the Eastern District of Virginia, Richmond Division, case no. 08-35833. On November 26, 2008, the case was transferred to the Western District of Virginia, Lynchburg Division and is still pending before this court.

2. The court has jurisdiction in this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(J).

3. Within four (4) years before November 18, 2008 and on October 13, 2005, the debtors filed a voluntary petition under chapter 7 of title 11 in the Eastern District of California, Sacramento Division. See case no. 05-36594. The debtors received a discharge on March 6, 2006.

The parties stipulate to the following Conclusion of Law:


1. This court has jurisdiction in this adversary proceeding pursuant to 28 U.S.C. §§ 157 1334. This is a core proceeding under 18 U.S.C. § 157(b)(2)(J).

2. The debtors' discharge should be denied under 11 U.S.C. § 1328(f)(1).

It appearing just and proper to do so and in conformity with the stipulated Findings of Fact and Conclusions of Law, it is hereby ORDERED, ADJUDGED AND DECREED that the DISCHARGE of Ricky Dean Powell and Cynthia May Powell-Sparks be, and it hereby is, DENIED.

Upon service by the Clerk of an Order denying the debtors' discharge, this Adversary Proceeding may be closed without further notice or hearing.

Entered this 2nd day of February, 2009.

  
United States Bankruptcy Court Judge

I ask for this:

/s/ Margaret K. Garber  
Margaret K. Garber (VSB No. 34412)  
Counsel for the United States Trustee

Seen:

/s/ Robert L. Flax by Margaret K. Garber with permission

Robert L. Flax

Counsel for the debtors

/s/ Herbert L. Beskin by Margaret K. Garber with permission

Herbert L. Beskin

Chapter 13 Trustee